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April 15, 2024

VIA ECF

The Honorable Arun Subramanian, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *King Range, Jr. v. Spring Green LLC and Diesel U.S.A., Inc.*
Case No. 1:22-cv-10381-AS

Dear Judge Subramanian:

We represent Defendant Diesel U.S.A., Inc. in this case. We write jointly with counsel for Plaintiff King Range, Jr. and counsel for Defendant Spring Green LLC to update the Court on the status of the parties' settlement.

As previously reported to the Court, counsel immediately turned to memorializing the parties' agreement in the required settlement documents, including the stipulation of dismissal. On April 8, 2024, Plaintiff's counsel provided our office with information required by Defendant Diesel U.S.A., Inc. in order to meet its initial obligations under the settlement agreement. On April, 9, 2024, Plaintiff's counsel provided defense counsel with their proposed settlement agreement. Our office then shared our proposed revisions to the settlement agreement with counsel for Defendant Spring Green LLC, and defense counsel are scheduled for a telephone conference today to discuss consolidating their proposed revisions to Plaintiff's counsel's original draft settlement agreement. Our office is also scheduled for a telephone conference with Plaintiff's counsel later today. On April 12, 2024, the Court-assigned mediator filed his final report to the Clerk that: "the [C]ourt-ordered mediation in this case was held and agreement was reached on all issues. The judge may wish to issue a '30 day order' under which the case is automatically closed in 30 days unless a party seeks to re-open the matter." (ECF 56).

Thus, the parties jointly and respectfully request that the Court issue such a 30-day Order to allow the parties time to execute their settlement agreement and meet their initial obligations under it and for counsel to, nearly immediately thereafter, file their stipulation of dismissal. In the alternative, and for the same reason, the parties jointly and respectfully request an adjournment of the deadline to submit final pre-trial materials, presently scheduled for today at 5:00 pm, and of the final pre-trial conference, presently scheduled for April 17, 2024 at 4:00 pm.

Hon. Arun Subramanian, U.S.D.J.
U.S. District Court, S.D.N.Y.
April 15, 2024
Page 2 of 2

We greatly appreciate the Court's continuing attention to this matter in allowing the parties the opportunity to achieve this result.

Respectfully Submitted,

GORDON REES
SCULLY MANSUKHANI, LLP

/s/ David J. Grech

David J. Grech

To: All counsel of record (*via* ECF)

The parties' motion is DENIED. The deadline to submit final pretrial material is hereby extended to April 19, 2024 at 5PM. The Court will not provide further extensions.

In addition, the final pretrial hearing scheduled for April 17, 2024 at 4PM will continue as scheduled. The hearing will not take place via Microsoft Teams. The parties should dial in by calling (646) 453-4442 and entering the Phone Conference ID: 614 004 896, followed by the pound (#) sign.

While the Court appreciates the parties work in resolving this case, the Court cannot adjourn a scheduled trial date unless the parties file a stipulation of dismissal. The parties need to work together to finalize their settlement quickly, as the time to request adjournments and extensions has expired.

The Clerk of Court is directed to terminate the motion at ECF No. 57.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: April 16, 2024